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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: T. Sauter

Attorney Docket No.: KTW0111889

Application No.: 09/145,381

Group Art Unit: 3618

Filed: September 1, 1998

Examiner: H.V. Phan

Title: VIBRATION DAMPENING SKATE FRAME

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GROUP 3600

RESPONSE

Seattle, Washington 98101

December 2, 2003

TO THE COMMISSIONER FOR PATENTS:

REMARKS

Claims 1, 3-21, 24-27, and 29-34 are pending in the above-referenced patent application. In a final Office Action mailed on June 3, 2003, Claim 1 was rejected under 35 U.S.C. § 102(b). Claims 3-5 were rejected under 35 U.S.C. § 103(a). Claims 6-13 were noted as containing allowable subject matter. Finally, Claims 14-21, 24, 25, 27, and 29-34 were allowed.

In view of the following comments, applicant respectfully submits that the application is in condition for allowance.

Rejection Under 35 U.S.C. § 102

As noted above, Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,951,027, issued to Oyen et al. The Office Action sets forth the position that the skate frame of Oyen et al. includes a shock absorbent in-line roller skate that includes a "flexible plastic (68), which is capable of vibration dampening formed with the sidewalls of the first structural member for absorbing at least a portion of the vibrational energy transmitted from the surface to the shoe portion when the skate traverses the surface." (Final Office Action, pages 2-3.) However, the Office Action admits that Oyen et al. fail to show that the flexible vibration dampening means is "integrally formed with the sidewalls." (Final Office Action,

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